

## **Protest Policy**

**PROTESTS.** If Respondent objects to any provision of the solicitation, and/or believes the City improperly rejected its response, or believes the selected response is not in the City's best interests, Respondent may submit a written protest.

Protests must be received within seven (7) calendar days after the protester knows or should have known of the facts giving rise to the protest.

Respondent must submit the protest to the City Engineer who will act as the Protest Officer. Only written protests submitted properly and within the time allowed and that are based on legal and/or factual grounds will be considered. The Protest Officer will issue a written decision within fourteen (14) calendar days of receiving protest.

**PROTEST APPEAL.** If Respondent believes the Protest Officer's decision is arbitrary or capricious and/or is not based on legal or factual grounds, an appeal may be made to the City Manager. Appeals must be submitted within ten (10) calendar days of the Protest Officer's decision. The Appeal must be based on factual or legal errors in the Protest Officer's decision and not simply a disagreement with that decision.

The City Manager or designee will review all documents submitted to the Protest Officer to determine whether the decision should be sustained. The City Manager, at their sole discretion, has the option of referring the Appeal to the City Council for review. If referred by the City Manager, the Council will review all documents submitted to the Protest Officer to determine whether the decision should be sustained. The City Manager or designee will issue a written response to the Appeal and this determination is final.

Protest and Appeal responses will be made by the City in as timely a manner as possible. The Protest Officer will have the sole discretion to stay the procurement process until a Protest or Appeal is resolved. Concerns raised seven (7) calendar days or more after award are not subject to this Protest/Appeal process. Protests and Appeals that do not follow the processes contained in this section will be rejected.

### **PROTEST OFFICER:**

Beth Huning  
City Engineer  
20 East Main Street, Suite 500  
P.O. Box 1466  
Mesa, Arizona 85211-1466  
Fax: (480) 644-3392

### **APPEALS:**

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City Manager or Designee  
20 East Main Street, Suite 750  
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Mesa, Arizona 85211-1466  
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